

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOSUE ORTEGA,

Plaintiff,

v.

EDWARD ROULHAC,  
THE SCHOOL DISTRICT OF  
PHILADELPHIA,  
WILLIAM R. HITE, ED.D., and  
REGINALD D. FISHER,

Defendants.

CIVIL ACTION

NO. 13-4717

**ORDER**

FILED

JAN 22 2015

MICHAEL E. KUNZ, Clerk  
By [Signature] Dep. Clerk

**AND NOW**, this 22<sup>nd</sup> day of *January*, 2015, upon consideration of the Motions to Dismiss Plaintiff's First Amended Complaint by Defendant Edward Roulhac ("Defendant Roulhac") (Docket No. 48) and Defendants The School District of Philadelphia, William R. Hite, Ed.D., and Reginald D. Fisher ("District Defendants") (Docket No. 49), Plaintiff Josue Ortega's Responses in Opposition (Docket Nos. 51 and 52), Defendant Roulhac's Reply (Docket No. 55), the District Defendants' Reply (Docket No. 53), and Plaintiff's Sur-Reply (Docket No. 62), it is hereby **ORDERED** that:

(1) Defendants' Motions to Dismiss Counts Five, Six, Seven, Eight, Nine, Ten, Eleven, Twelve, and Thirteen are **GRANTED** as follows:

- a. Counts Five, Six, Eight, Nine, Ten, and Thirteen are **DISMISSED WITH PREJUDICE**;
- b. Counts Seven, Eight, Eleven, and Twelve are **DISMISSED WITHOUT PREJUDICE**;

(2) Plaintiff shall file a Second Amended Complaint within twenty (20) days of the date of this Order; and

(3) The Court's Scheduling Order of November 3, 2014 (Docket No. 56) shall be amended as follows:

- a. All fact discovery in this case is to be completed by April 20, 2015.
- b. Plaintiff shall serve all expert reports on or before May 18, 2015.
- c. Defendants shall serve all expert reports on or before June 22, 2015.

It is so **ORDERED**.

BY THE COURT:

  

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RONALD L. BUCKWALTER, S.J.

**ENTERED**

**JAN 23 2015**

**CLERK OF COURT**